

REMARKS

Claims 1-31 are pending. Claims 1, 22 and 31 are in independent form.

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following comments.

Claims 1-31 stand rejected under 35 U.S.C. § 112, first and second paragraphs, for allegedly failing to comply with the enablement requirement and for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as her invention. Specifically, the Examiner takes issue with the phrase “essentially solid.”

In Applicant’s response dated August 21, 2007, Applicant indicated that support for amending Claims 1, 22 and 31 to include the phrase “essentially solid” could be found, for example, on page 5, line 18 of the specification, which states that “[t]he cores are therefore essentially solid....” Definitions for the words “essential” and “solid” were obtained from Merriam-Webster’s Online Dictionary (<http://www.m-w.com/dictionary.htm>) and are presented below:

essential: of, relating to, or constituting (see Exhibit 1)

solid: being without an internal cavity (see Exhibit 2)

Thus, the phrase “essentially solid core” describes a core that basically is not hollow. As such, Applicant respectfully submits that the rejections of Claims 1-31 under § 112 should be withdrawn.

Claims 1-31 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by European Patent Document No. EP0334617 (“*Goodacre et al.*”). Applicant respectfully traverses these rejections, in view of the comments set forth below.

As noted in Applicant's response dated August 21, 2007, the claimed sweetener composition has an essentially solid core.

On page 3 of the present Office Action, the Examiner states that "Goodacre et al teach a sweetener composition comprising agglomerating hollow spheroids or part spheroids of microcrystalline sucrose, generally bound to crystals of sucrose, with sucralose and a binder (see abstract). It is not seen how the claimed "essentially solid core" differs from the sucrose crystals of Goodacre et al."

Applicant respectfully notes that *Goodacre et al.* discloses "that by altering the ratio of hollow spheroids to crystals, the bulk density of the product can be adjusted as required." See *Goodacre et al.*, page 3, lines 6 and 7. This is an important inventive feature taught by *Goodacre et al.* *Goodacre et al.* goes on to state that "[t]he bulk density, and therefore, the calorie reduction, of the product can readily be controlled by changing the ratio of crystals to hollow spheroids. The higher the proportion of crystals, the higher the bulk density." See *Goodacre et al.*, page 3, lines 48 and 49. Conversely, the inclusion of hollow spheroids or part spheroids of microcrystalline sucrose will lower the bulk density of the sweetener compositions taught by *Goodacre et al.* Thus, in order to adjust the density of the sweetener composition, *Goodacre et al.* utilizes hollow spheroids or part spheroids of microcrystalline sucrose.

On the other hand, Applicant's invention does not include hollow spheroids or part spheroids of microcrystalline sucrose. Rather, the sweetener composition set forth in Claim 1 of the present application has an essentially solid core. That is, the core recited in the present claims is basically not hollow. As such, Claim 1 is distinguishable and patentable over *Goodacre et al.*

Similarly, Claims 22 and 31 include cores that are essentially solid.

For at least the reasons stated above for Claim 1, Claims 22 and 31 are distinguishable and patentable over *Goodacre et al.*

The remaining claims directly or indirectly depend from Claims 1, 22 or 31. These claims are also believed to be patentable over *Goodacre et al.*, since they depend from a patentable base claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and allowance of the claims in the present application.

If any fees are due in connection with the filing of this Response, authorization is hereby given to charge the amount of such fee to Deposit Account No.

10-0750/MSP5011NP/VT in the name of Johnson & Johnson.

Applicant's undersigned attorney may be reached in our office by telephone at (732) 524-1767. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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EXHIBIT 1



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essential

3 entries found.

essential[1,adjective]

essential[2,noun]

essential oil

Main Entry: **'es·sen·tial**

Pronunciation: \i-'sen(t)-shəl\

Function: *adjective*

Date: 14th century

1 : of, relating to, or constituting *essence* : **INHERENT**

2 a : of the utmost importance : **BASIC**, **INDISPENSABLE**, **NECESSARY** <an *essential* requirement for admission to college> **b** : being a substance that is not synthesized by the body in a quantity sufficient for normal health and growth and that must be obtained from the diet <dietary protein provides the body with *essential* amino acids> — compare **NONESSENTIAL** **2**

3 : **IDIOPATHIC** <*essential* disease> <*essential* hypertension>

— **es·sen·tial·ly** \-'sench-lē, -'sen-chə-\ *adverb*

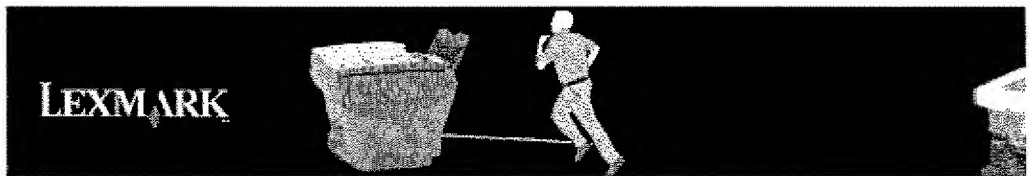
— **es·sen·tial·ness** \-'sen-chəl-nəs\ *noun*

synonyms **ESSENTIAL**, **FUNDAMENTAL**, **VITAL**, **CARDINAL** mean so important as to be indispensable. **ESSENTIAL** implies belonging to the very nature of a thing and therefore being incapable of removal without destroying the thing itself or its character <conflict is *essential* in drama>. **FUNDAMENTAL** applies to something that is a foundation without which an entire system or complex whole would collapse <*fundamental* principles of algebra>. **VITAL** suggests something that is necessary to a thing's continued existence or operation <cut off from *vital* supplies>. **CARDINAL** suggests something on which an outcome turns or depends <a *cardinal* rule in buying a home>.

Learn more about "essential" and related topics at [Britannica.com](http://www.britannica.com)

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Pronunciation Symbols



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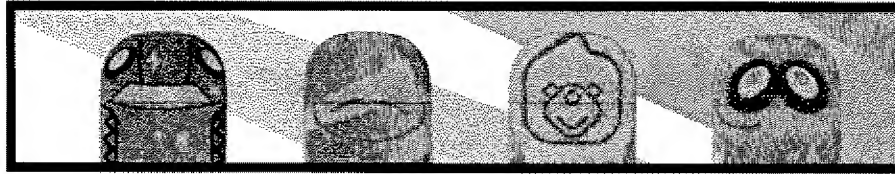
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solid

9 entries found.

solid[1,adjective]

solid[2,noun]

solid[3,adverb]

regular solid


solid angle

solid geometry

solid-looking

solid of revolution

solid-state

Main Entry: **'sol-id** 

Pronunciation: \ˈsäl-ləd\

Function: *adjective*

Etymology: Middle English *solide*, from Middle French, from Latin *solidus*; akin to Greek *holos* whole — more at [SAFE](#)

Date: 14th century

1 a : being without an internal cavity <a *solid* ball of rubber> **b** (1) : printed with minimum space between lines (2) : joined without a hyphen <a *solid* compound>

c : not interrupted by a break or opening <a *solid* wall>

2 : having, involving, or dealing with three dimensions or with *solids* <a *solid* configuration>

3 a : of uniformly close and coherent texture : not loose or spongy : **COMPACT**

b : possessing or characterized by the properties of a solid : neither gaseous nor liquid <*solid* waste>

4 : of good substantial quality or kind <*solid* comfort>: as **a** : **SOUND** <*solid* reasons> **b** : made firmly and well <*solid* furniture> **c** : **RELIABLE** <a *solid* performer>

5 a : having no break or interruption <waited three *solid* hours> **b** : **UNANIMOUS** <had the *solid* support of the party> **c** : intimately friendly or associated <*solid* with the boss>

6 a : **PRUDENT**; *also* : well established financially **b** : serious in purpose or character

7 : of one substance or character: as **a** : entirely of one metal or containing the minimum of alloy necessary to impart hardness <*solid* gold> **b** : of a single color

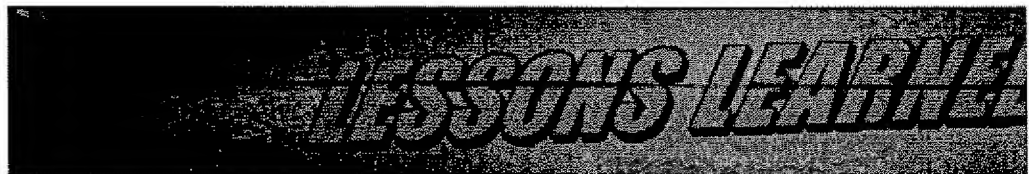
— **sol·id·ly** *adverb*

— **sol·id·ness** *noun*

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